



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,012	03/27/2001	Jeffrey Weiss	4030-122	2217

22440 7590 09/21/2004

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 100160601

EXAMINER

ALAM, UZMA

ART UNIT	PAPER NUMBER
----------	--------------

2157

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,012

Applicant(s)

WEISS ET AL.

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the application filed on March 27, 2001. Claims 1-53 are pending. Claims 1-53 represent a method for facilitating the provisioning of services.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 17. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2157

Claims 24-29, 34-40, 49-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24-29 recites the limitation "computerized system" in claim 22. There is insufficient antecedent basis for this limitation in the claim.

Claims 34-35 recites the limitation "computerized apparatus" in claim 33 and 34. There is insufficient antecedent basis for this limitation in the claim.

Claims 37-40 recites the limitation "computerized system" in claim 34. There is insufficient antecedent basis for this limitation in the claim.

Claims 49-53 recites the limitation "computerized system" in claim 43. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 18-23, 30-35, and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Tadano et al. US Patent Publication Number 2003/0135458. Tadano discloses the invention as claimed including a method and apparatus for provisioning services.

As per claims 1, 18, 30, and 40 Tadano discloses a computerized system, apparatus, computer readable medium, and method for the provisioning of multiple application services for a communications related service provider comprising:

an independent control module application on a server with a common interface and a plurality of provisioning interfaces (and client web page, Figure 1, paragraphs 0002, 0109, 0110, 0207, 2028);

a plurality of independent service applications each with a data store used for control of one said service applications (providing services; paragraphs 0111, 0207, 0208); and

a common directory server (paragraphs 0112-0120);

wherein said common interface is used to modify or create common provisioning data stored in said common directory server; said provisioning interfaces are used to modify or create unique provisioning data stored in said common directory server; and said control module application generates or synchronizes the data stores of said service applications with said common and unique provisioning data in said directory server for control of said service applications (paragraphs 0110, 0124, 0145, 0190-0193).

As per claim 2, Tadano discloses a computerized system, apparatus, computer readable medium, and method of claim 1 wherein said directory server organizes users by company name to allow said control module application to make changes to the services of all users of a particular company by making changes in the data of said particular company (Figure 3).

Art Unit: 2157

As per claims 3, 22, 34 and 46, Tadano discloses the computerized system, apparatus, computer readable medium, and method of claims 1, 18, 33 and 42 wherein said common provisioning data comprises one username and password for each user of said service applications (Figure 2; paragraphs 0120, 0209, 0219).

As per claims 4, 23, 35 and 47 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 3, 22, 33 and 43 wherein said common provisioning data includes a company name (Figure 3).

As per claim 5, Tadano discloses the computerized system of claim 3 wherein said common provisioning data includes user contact information (Figure 2, paragraph 0120).

As per claims 6, 19, 31 and 43 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 1, 18, 30, and 42 further comprising a work management system and an associated work management database wherein said control module communicates with said work management database to access and modify work order data to initiate and confirm completion of provisioning of said service applications (a database which handles all information regarding service establishment and work orders; Figures 1 and 7, paragraphs 0112, 0116, 0117, 0132, 0219, 0220).

As per claims 7, 20, 32 and 44 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 1 or 6 and 18, 21, and 43 further comprising a

Art Unit: 2157

business management system and an associated business management database wherein said control module communicates with said business management database to access and modify business data maintained by said business management system in said database (a database which modifies price information and other service related data; Figures 1 and 7, paragraphs 0112, 0127, 0219, 0220).

As per claim 8, Tadano discloses the computerized system of claim 7 wherein said business data includes quotes for use of said service applications (paragraphs 0126-0129).

As per claim 9, Tadano discloses the computerized system of claim 8 wherein said business data further includes billing information for use of said service applications (Figures 5 and 7, paragraph 0115).

As per claim 10, Tadano discloses the computerized system of claim 9 wherein said business data further comprises company names, locations, and which of said services are available at said locations (Figure 7, paragraphs 0119, 0125, 0131, 0205).

As per claims 11, 21, 33, and 45 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 7, 18, 32, and 44 further including a notification system wherein said control module communicates with said notification system to notify users of the provisioning of said service applications (a notification board controlled by the control center; paragraphs 0284-0288)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14, 17, 24-26, 29, 26-38, 41, 48-50, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadano et al. US Patent Publication Number 2003/0135458 in view of Gerszberg et al. US Patent Publication No. 2004/151212. Gerszberg discloses the invention as claimed including providing internet and telephony services.

As per claims 12-14, 17, 24-26, 29, 26-38, 41, 48-50, and 53 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 3, 11, 22, 33, and 43 wherein the service applications are a plurality of online services and one of said service applications is an online game service. See paragraphs 0110, 0113, 0114, and 0145. Tadano does not expressly disclose electronic mail service, conferencing service, video delivery service or Internet dialup access service. Gerszberg discloses electronic mail service, conferencing service, video delivery service and Internet dialup access service. See paragraph 0041. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine electronic mail service, conferencing service, video delivery service and Internet dialup access service of Gerszberg with the plurality of online service of Tadano. A person of ordinary skill in the art would have been motivated to do this because electronic mail service, conferencing service, video delivery service and Internet dialup access service are all types of online/telephony services that can be provisioned by the servers of Tadano.

Claims 15, 16, 27, 28, 39, 40, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tadano et al. US Patent Publication Number 2003/0135458 in view of Nightingale US Patent No. 6061729. Nightingale discloses the invention as claimed including a client communicating with a server that provides web services.

As per claims 15, 16, 27, 28, 39, 40, 51 and 52 Tadano discloses a computerized system, apparatus, computer readable medium, and method of claims 11, 22, 33, and 43 wherein the service applications are a plurality of online services and one of said service applications is an online game service. See paragraphs 0110, 0113, 0114, and 0145. Tadano does not expressly disclose user portal service or virtual private network service. Nightingale discloses a user portal and VPN service. See column 1, lines 35-44. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine user portal service and VPN service of Nightingale with the plurality of online service of Tadano. A person of ordinary skill in the art would have been motivated to do this because user portal and VPN services are all both types of online/telephony services that can be provisioned by the servers of Tadano.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seymour US Patent No. 5,579,384.

Spencer et al. US Patent No. 6,633,907.

Martin et al. US Patent No. 5,867,706.


Art Unit: 2157

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (703) 305-8420. The examiner can normally be reached on Monday-Tuesday 11:30am-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308 - 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ua


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100